

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 81781

Christopher E. Baker

1349 Halstead Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on September 8, 2010, for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310, 312, 305, 306, failure to remove junk, trash and debris, failure to treat for rodent infestation on residential property.

On August 17, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The following persons appeared for the Hearing and testified: Christopher Baker, Respondent and, Jason Seidelman, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued August 10, 2010 for garbage storage in containers with tight fitting lids, cease all nuisance activity. This Citation was issued August 17, 2010.

B. Inspector Jason Seidelman testified that inspections in August 2010 and September 2010 found garbage being improperly stored in cans without lids, and a rat infestation and, open rat holes. Re-inspection on September 6, 2010 found old carpeting piled in the back yard and no sign that the rat infestation was being treated. Photographs in the file show garbage in cans without lids, show old carpeting in the rear yard and show rat holes under landscaping timbers and along the fence. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. County law requires a property owner or occupant to treat a rat infestation until the rats are eradicated. BCC Section 13-7-305. County law also requires property owners and occupants to remove and abate rat harborage, including closing rat burrows. BCC Section 13-7-306.

C. Christopher Baker owns and resides in this property. He testified that he is rarely home because he works in residential programs for disabled adults. He testified that he has bought bait for the rats and has put the bait in the rat holes. He testified that he will finish cleaning up the yard and will store garbage in cans with lids.

D. Because compliance is the goal of code enforcement, and Respondent is working to eliminate the violations, the proposed civil penalty will be rescinded if the violations are corrected within the time provided below. However, Respondent must continue to treat the infestation until it is abated, and then must close all the rat holes and burrows. County Code Section 13-7-307. Periodic inspections should continue until the rat infestation is fully abated, and the holes and burrows are closed. Respondent must also store all garbage in cans with tight lids.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by October 18, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 17th day of September 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

MZF/jaf